

STATE OF WASHINGTON
KING COUNTY SUPERIOR COURT

ABDIKHADAR JAMA, an individual, ANEB
ABDINOR HIREY, an individual, ROGIYA
DIGALE, and individual, ABDISALAM
MOHAMED, an individual, JASHIR GREWAL,
an individual, UDHAM SINGH, an individual,
SUKDEV SINGH BASRA, an individual,
KHALIF MAHAMAD, an individual, JAMA
DIRIA, an individual, AHMED F. GELLE, an
individual, and LUL SALAD, an individual,

Plaintiffs,

v.

GCA SERVICES GROUP, INC., a foreign
corporation,

Defendant.

No. _____

SUMMONS

A lawsuit has been started against you in King County Superior Court by Abdihadar
Jama, Aneb Abdinior Hirey, Rogiya Digale, Abdisalam Mohamed, Jasir Grewal, Udhham
Singh, Sukdev Singh Basra, Khalif Mahamad, Jama Diria, Ahmed F. Gelle, and Lul Salad
("Plaintiffs"). Plaintiff's claims are stated in the written Complaint, a copy of which
is served upon you with this Summons.

In order to defend against this lawsuit, you must respond to the Complaint by stating
your defense in writing and by serving a copy upon the undersigned attorney for Plaintiffs

SUMMONS - 1

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If you wish to seek the advice of an attorney in this matter, you should do so promptly so that your written response, if any, may be served on time.

DATED this 9th day of February, 2016.

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Exhibit A, Page 6 of 17

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SUMMONS - 3

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STATE OF WASHINGTON
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CLASS ACTION COMPLAINT

Plaintiffs Abdihadar Jama, Aneb Abdinior Hirey, Rogiya Digale, Abdisalam Mohamed, Jasir Grewal, Udhram Singh, Sukdev Singh Basra, Khalif Mahamad, Jama Diria, Ahmed F. Gelle, and Lul Salad ("Plaintiffs"), by their attorneys and on behalf of all others similarly situated (i.e., the "Class" as defined below), complain against Defendant and alleges as follows:

NATURE OF THE ACTION

1. Plaintiffs bring this class action individually and on behalf of the Class against GCA Services Group, Inc. ("GCA") under Chapter 7.45, *et seq.*, of the City of SeaTac Municipal Code, the City's minimum wage ordinance (the "Ordinance"), and for unjust enrichment, upon

personal knowledge as to themselves and their own acts, and as to all other matters upon information and belief based on the investigation made by their attorneys.

2. The facts giving rise to this action involve the Defendant's violations of the Ordinance by failing to pay the prevailing minimum wage to hourly workers within the Class.

3. As a result of Defendant's wrongful conduct, the Plaintiffs and the Class have been injured.

PARTIES

4. Plaintiffs are all natural persons and at all times relevant hereto have been a resident of King County, Washington. During the time periods indicated in the table below and during the relevant period, Plaintiffs worked for the Defendant in the capacities and at hourly wage rates so indicated, all of which are less than \$15.00.

<u>Plaintiff</u>	<u>Job</u>	<u>Hourly Rate</u>	<u>Start Date</u>	<u>End/Thru Date</u>
Abdikhadar Jama	Driver	\$10.70	6/15	8/15
Aneb Abdinor Hirey	Driver	\$12.79	2010	Present
Regiya Digale	Driver	\$10.30	2014	Present
Abdisalam Mohamed	Shuttle Driver	\$9.75/\$10.30	2010	Present
Jashir Grewal	Driver	\$10.30	2011	Present
Udham Singh	Driver	\$10.30	4/3/14	Present
Sukdev Singh Basra	Driver	\$10.30	3/14	Present
Khalif Mahamad	Driver	\$9.25/\$10.30	2011	Present
Jama Diria	Driver	\$10.30	2013	Present
Ahmed F. Gelle	Driver	\$10.30	2013	Present
Lul Salad	Driver	\$10.30	2014	Present

5. Defendant GCA Services Group, Inc., is, on information and belief, a foreign business entity with headquarters at 1350 Euclid Ave., Suite 1500, Cleveland, OH 44115. GCA provides travel service workers in the Seattle-Tacoma International Airport and otherwise within the City of SeaTac.

6. GCA's online promotional material describes it and its business as follows:

GCA Services Group, Inc. is a leading national provider of quality facility services, including janitorial/custodial services, contamination control for cleanroom manufacturing, facilities operations and maintenance, grounds management, in-sourced production staffing and labor management, diversified staffing, and more.

With over 37,000 employees in 46 states, the District of Columbia, and Puerto Rico, GCA serves a variety of sectors, including K-12 schools, higher education, manufacturing, corporate office buildings, high-tech, bio-pharmaceutical, nuclear power, energy & utilities, defense, the rental car market, and others. Our clients include numerous Fortune 100 companies.

Services [:] Janitorial/Custodial, Green Cleaning, Cleanroom - Critical Environment Cleaning, Facilities Operations and Maintenance, Grounds Management, Rental Car Labor Management and Support Services, In-sourced Production Staffing and Labor Management, Staffing Services, Support Services, Recycling Programs

7. On information and belief, within the boundaries of the City of SeaTac, GCA provides "Rental Car Labor management and Support Services," and/or other services that bring it within the minimum wage requirements of the Ordinance.

8. GCA is the employer of the Plaintiffs and the Class.

JURISDICTION AND VENUE

9. The defendant is located or are doing business in King County, Washington. The wrongful acts complained of here occurred in whole or in part in King County, Washington. This court had personal jurisdiction over the Defendant and subject matter jurisdiction over the matters related to this action.

SUBSTANTIVE ALLEGATIONS

10. Section 7.45.050 of the Ordinance requires certain employers within the City to pay a \$15 minimum wage to certain employees, subject to annual adjustments to be effective on January 1 of the next successive year. The law became effective on January 1, 2014.

11. The minimum wage for 2014 was \$15 and for 2015 was \$15.25.

12. The two categories of employers that are subject to the Ordinance are identified as "Hospitality Employers" and "Transportation Employers."

13. A Hospitality Employer is defined as follows:

"Hospitality Employer" means a person who operates within the City any Hotel that has one hundred (100) or more guest rooms and thirty (30) or more workers or who operates any institutional foodservice or retail operation employing ten (10) or more nonmanagerial, nonsupervisory employees. This shall include any person who employs others providing services for customers on the aforementioned premises, such as a temporary agency or subcontractor.

14. A Transportation Employer is defined as:

"Transportation Employer" means:

1) A person, excluding a certificated air carrier performing services for itself, who:

a) operates or provides within the City any of the following: any curbside passenger check-in services; baggage check services; wheelchair escort services; baggage handling; cargo handling; rental luggage cart services; aircraft interior cleaning; aircraft carpet cleaning; aircraft washing and cleaning; aviation ground support equipment washing and cleaning; aircraft water or lavatory services; aircraft fueling; ground transportation management; or any janitorial and custodial services, facility maintenance services, security services, or customer service performed in any facility where any of the services listed in this paragraph are also performed; and

b) employs twenty-five (25) or more nonmanagerial, nonsupervisory employees in the performance of that service.

2) A transportation employer also includes any person who:

a) operates or provides rental car services utilizing or operating a fleet of more than one hundred (100) cars; shuttle transportation utilizing or operating a fleet of more than ten (10) vans or buses; or parking lot management controlling more than one hundred (100) parking spaces; and
b) employs twenty-five (25) or more nonmanagerial, nonsupervisory employees in the performance of that operation.

15. The two categories of employees that are subject to the Ordinance are "Hospitality Workers" and "Transportation Workers."

16. A Hospitality Worker is defined as:

"Hospitality Worker" means any nonmanagerial, nonsupervisory individual employed by a Hospitality Employer.

17. A Transportation Worker is defined as:

"Transportation Worker" means any nonmanagerial, nonsupervisory individual employed by a Transportation Employer.

FACTUAL ALLEGATIONS AS TO PLAINTIFFS

18. As described more fully in the table found in Paragraph 4, above, the Plaintiffs were employed by GCA in the relevant time period in capacities governed by the Ordinance and were paid less than the then-prevailing minimum wage.

19. By failing to pay the prevailing minimum wage, Defendant acted unlawfully and proximately caused damages to the Plaintiffs in an amount to be proven at trial.

CLASS ALLEGATIONS

20. Plaintiffs bring this class action pursuant to Civil Rule 23 on behalf of themselves and all members of the following Class:

All employees of the Defendant who have been either Hospitality Workers or Transportation Workers and who worked one or more hours within the City of SeaTac at any time during the time period from January 1, 2014, to the present, and who were paid less than the prevailing minimum wage prescribed by City of SeaTac Ordinance 7.45.050.

21. Plaintiffs reserve the right to amend or modify this Complaint and/or the Class definition after receiving Defendant's Answer and responses to meaningful discovery and/or in the motion for class certification.

22. Members of the Class are so numerous and geographically dispersed that joinder of all Class members is impracticable. The precise number and identities of Class members are unknown to Plaintiff but should be obtainable through notice and discovery. Notice can be provided through a variety of means including publication, the cost of which is properly imposed on Defendant.

23. Plaintiff will fairly and adequately protect the interests of all Class members and has retained counsel competent and experienced in class and employment litigation and who have been repeatedly found to be adequate to represent the interests of class members in other complex class actions.

24. Plaintiff's claims are typical of the claims of the Class whose members sustained similar types of injury arising out of the conduct challenged in this action. The injuries flow from the common nucleus of operative facts detailed above.

1 25. There is a well-defined community of interest in the common questions of law
2 and/or fact alleged herein since the rights of each Class member were infringed or violated in a
3 similar fashion based upon Defendant's wrongdoing or arise out of similar legal obligations.

4 26. The common questions of law and fact detailed in this Complaint predominate
5 over any questions solely affecting individual Class members. Defendant engaged in a common
6 course of conduct giving rise to the legal rights sought to be enforced by Plaintiff and the Class
7 members. Individual questions, if any, pale by comparison to the numerous common questions
8 that predominate.

9 27. A class action is superior to other available methods for the fair and efficient
10 adjudication of this controversy because joinder of all Class members is impracticable.
11 Furthermore, the expense and burden of individual litigation make it impossible for the Class
12 members to individually redress the wrongs done to them.

13 28. The claims in this action are manageable on a class-wide basis and can be the
14 subject of a class-wide plan for litigating and resolving these issues.

15 29. Defendant has also acted or have refused to act on grounds generally applicable to
16 the Class, thereby making it appropriate to grant final declaratory and injunctive relief with
17 respect to the Class as a whole.
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19

20 **CAUSES OF ACTION**

21 **Count 1 – Statutory Violations**

22 30. RCW 49.46.120 establishes Washington State's minimum wage and provides for
23 enforcement of more favorable minimum wages that may be established federal, state, or local
24 law or ordinance.
25
26

31. Pursuant to RCW 49.46.090, "Any employer who pays any employee less than wages to which such employee is entitled under or by virtue of this chapter, shall be liable to such employee affected for the full amount of such wage rate, less any amount actually paid to such employee by the employer, and for costs and such reasonable attorney's fees as may be allowed by the court."

32. Pursuant to RCW 49.52.050,

Any employer or officer, vice principal or agent of any employer, whether said employer be in private business or an elected public official, who

(2) Wilfully and with intent to deprive the employee of any part of his or her wages, shall pay any employee a lower wage than the wage such employer is obligated to pay such employee by any statute, ordinance, or contract;

Shall be guilty of a misdemeanor.

33. Pursuant to 49.52.070,

Any employer and any officer, vice principal or agent of any employer who shall violate any of the provisions of RCW 49.52.050 (1) and (2) shall be liable in a civil action by the aggrieved employee or his or her assignee to judgment for twice the amount of the wages unlawfully rebated or withheld by way of exemplary damages, together with costs of suit and a reasonable sum for attorney's fees: PROVIDED, HOWEVER, That the benefits of this section shall not be available to any employee who has knowingly submitted to such violations.

34. Defendant has violated the foregoing statutes and are liable to the Plaintiffs and the Class for actual damages, double damages, and attorneys' fees and costs.

Count 2 – Unjust Enrichment

35. As described more fully above, the Defendant has been unjustly enriched by wrongfully withholding wages from the Class.

Count 3 – Injunctive and Declaratory Relief

36. As described more fully above, the Plaintiffs and the Class are entitled to a declaration of their right to be paid the prevailing minimum wage and an injunction prohibiting the Defendant from further violations of the Ordinance.

PRAYER FOR RELIEF

Based upon the above allegations, Plaintiffs request the following relief as appropriate for each cause of action:

A. An Order certifying that this action be maintained as a class action and appointing Plaintiff as Representative of the Class and his counsel as Class counsel;

B. For all actual, incidental, consequential, exemplary and/or statutory damages as provided for by law under the above causes of action that permit such relief including double damages under RCW 49.52.050 and .070, or other monies expended by Plaintiff and members of the Class;

C. For preliminary and permanent injunctive relief prohibiting, restraining and enjoining Defendant from engaging in the conduct complained of herein;

D. For an award of attorneys' fees to the extent available under applicable law;

E. For costs of suit herein incurred;

F. For pre- and post-judgment interest; and/or

G. For such other and further relief as this Court deems appropriate or which is allowed for in law or equity.

DEMAND FOR JURY TRIAL

Plaintiffs demand a trial by jury on all claims so triable as a matter of right, and for an advisory jury on all other causes of action.

1 DATED this 9th day of February, 2016.

2
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